



08-22-08

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Docket No.: NY-ROCHE 202-US
(21368)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Paul Lehmann

Application No.: 10/634,477

Confirmation No.: @@@

Filed: August 4, 2003

Art Unit: 1656

For: TREATMENT OF DISTURBANCES OF
IRON DISTRIBUTION

Examiner: H. A. Robinson

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In papers mailed on August 12, 2008, the Examiner indicated that two citations submitted in an IDS were lined through, i.e.:

“Note that items have been lined through on the attached PTO-1449 form of the IDS filed February 13, 2007 because they represent an improper citation, missing the date and volume information...”.

Attached is a PTO 1449 giving the complete citations for these references. It is believed that the citations should be made of record, for the following reasons.

The IDS under consideration was filed in February 13, 2004, NOT 2007. On August 29, 2005, the Examiner indicated that all references had been considered. No issue was raised with respect to these references.

According to MPEP 609.05(a), "Noncomplying Information Disclosure Statement" if an IDS is non-compliant, an Examiner is supposed to issue a Communication providing for one month to correct the IDS. Note MPEP 609.05(a) page 600-162, from paragraph 6.51.

As applicants had complied with all other requirements, they properly should have been given leave to correct the citations well before the August 5, 2008 Communication. As such, the attached PTO 1449 should be made of record and the citations included in the issued patent.

* * *

No fee is believed to be due with this filing, however, should a fee be due, the Commissioner is hereby authorized to charge any fees which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-ROCHE 202-US (10701185).

Dated: August 20, 2008

Respectfully submitted,

By 

Norman D. Hanson

Registration No.: 30,946

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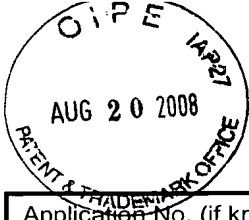
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Application No. (if known): 10/634,477

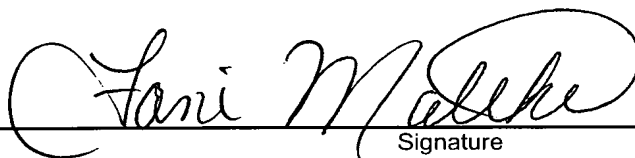
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IDS (Citation) by Applicant (2 References) (2 pages)
Information Disclosure Statement (2 pages)